

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

EMANUEL L. BOONE,  
Plaintiff,  
  
vs.  
  
GARCIA, et al.,  
Defendants.

1:23-cv-00173-GSA-PC

**ORDER TO EITHER:**

(1) **SUBMIT NEW, COMPLETED  
APPLICATION TO  
PROCEED IN FORMA  
PAUPERIS;**

**OR**

(2) **PAY \$402.00 FILING FEE  
IN FULL**

**TWENTY-DAY DEADLINE**

**ORDER FOR CLERK TO SEND  
PLAINTIFF AN APPLICATION TO  
PROCEED IN FORMA PAUPERIS**

Emanuel L. Boone (“Plaintiff”) is a state prisoner proceeding *pro se* with this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed the Complaint commencing this action on February 7, 2023, together with an application to proceed *in forma pauperis* under 28 U.S.C. § 1915. (ECF Nos. 1, 2.) However, Plaintiff did not complete all parts of the application.

Page one, part 3 of the application asks, “Have you received any money from the following sources over the last twelve months?” (ECF No. 2 at 1 ¶3.) Plaintiff answered “Yes”

as to “(e) Re Gifts or inheritances,” but then failed to answer the follow-up question, “If the answer to any of the above is “yes,” describe by that item each source of money, state the amount received, as well as what you expect you will continue to receive.” (Id.)

Without knowing Plaintiff’s present financial status, the court cannot grant his application to proceed *in forma pauperis*. Plaintiff shall be granted an opportunity to submit a new, completed application to proceed *in forma pauperis*, providing all of the information requested, or pay the \$402.00 filing fee for this action, within twenty days.

Accordingly, IT IS HEREBY ORDERED that:

1. The Clerk shall send Plaintiff an application to proceed *in forma pauperis*;
2. **Within twenty (20) days** of the date of service of this order, Plaintiff shall either:
  - (a) Submit an application to proceed *in forma pauperis* to the court, **completed and signed;** or
  - (b) Pay the \$402.00 filing fee for this action;
3. No requests for extension of time will be granted without a showing of good cause; and
4. **Plaintiff’s failure to comply with this order will result in a recommendation that this action be dismissed.**

IT IS SO ORDERED.

Dated: February 23, 2023

/s/ Gary S. Austin  
UNITED STATES MAGISTRATE JUDGE